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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,267	05/29/2001	Christopher M. White	3382-56618	8059
26119	7590	09/08/2005	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/870,267	Applicant(s) WHITE ET AL.	
	Examiner Ngoc K. Vu	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Allowable Subject Matter

1. The indicated allowability of claims 19-21 is withdrawn in view of the newly discovered reference(s) to Inoue et al. (US 5,729,280 A) and Dunn et al. (US 5,517,257 A). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 5,729,280 A) in view of Stepp et al. (US 6,363,440 A1) and further in view of (US 5,517,257 A).

Regarding claim 19, Inoue teaches a computer readable medium comprising executable instructions (within microcomputer 109 – see col. 5, lines 5-17) for performing a method comprising:

receiving a composite signal; displaying a program received on the composite signal (see 3, lines 57-60 and 64-66; col. 5, lines 11-14; col. 4, lines 25-29); recording/saving the program to a storage 15 during pause mode (see col. 6, lines 24-29); reproducing the program from the storage 15 in response to a resume command (see col. 6, lines 39-46).

Inoue does not explicitly teach compressing and saving the program in a circular buffer, and decompressing and displaying the recorded program from the circular buffer. However,

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Stepp discloses that video signal may be compressed and then may be recorded to storage device such as disk. The user may view the video signal by decompressing the compressed video signal and displaying the video on screen from storage device (see col. 5, lines 19-22, 31-35 and 61-66; col. 6, lines 9-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Inoue by including compressing and storing video signal to storage device such as disk and decompressing the compressed video signal from the storage device for displaying as disclosed by Stepp in order to increase the effective capacity of the storage device.

Inoue does not teach the user interface comprising a delay control and a resume control, and persisting the user interface on screen with the resume control highlighted. However, Dunn teaches displaying user interface 100 comprising pause control 110 and play control 102 (see figures 3, 5 and 6). Dunn further teaches that if the movie is running, the interface 100 is called up when viewer wishes to control VCR-like, i.e., pause, the interface 100 having "play" symbol is displayed. It is noted that the interface 100 having pause control and play control are mutually exclusive in that the play control is useful only when movie is paused, and the pause control is useful only when the movie is running (see figures 6 and 8; col. 7, line 63 to col. 8, line 13; col. 6, lines 36-39). From this view, play/resume control is centered attention on when the movie is paused. In other words, the interface 100 with play/resume control highlighted is provided on screen when the movie is paused. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Inoue by including the interface 100 having play/resume control and pause control, and the interface with play/resume control highlighted is provided on screen when the movie is paused as taught by Dunn in order to provide viewers a convenient, intuitive video control user interface for controlling viewing of video movies on a television.

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Regarding claim 20, the combined teachings of Inoue, Stepp and Dunn indicate decompressing and resuming display of the program as saved in the circular buffer from the time of pause control, while continuing to compress and save the program to the circular buffer as it is received (see Inoue: col. 3, lines 60-63; col. 4, lines 21-24; col. 4, lines 35-54; Stepp: col. 5, lines 19-22, 31-35 and 61-66; col. 6, lines 9-15).

Regarding claim 21, Inoue further teaches that the program is chosen from among a list comprising video on demand and broadcast television (see col. 5, lines 18-23).

Claims 22 and 23 recite the similar limitations of claim 19. See rejection of claim 19 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a long horizontal flourish extending to the right.

Ngoc K. Vu
Primary Examiner
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September 6, 2005